

RESOLUTION NO. 2008-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE
POLICE OFFICERS ASSOCIATION, BY ADOPTING THE SIDE LETTER OF AGREEMENT
(REGARDING MEDICAL RETIREMENT TRUST FUND PROGRAM)

WHEREAS, on May 1, 2006, the City Council of Huntington Beach adopted Resolution No. 2006-19 for the purpose of adopting the 2006-2010 Memorandum of Understanding (MOU) between the City and the Police Officers Association (POA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and POA agreed to changes, corrections, and clarifications to the MOU that were reflected in a Side Letter of Agreement between the City of Huntington Beach and the POA adopted by Resolution No. 2007-17. At this time, the parties have agreed to additional changes to the Side Letter of Agreement between the City of Huntington Beach and POA ("Side Letter of Agreement") attached hereto as Exhibit A and incorporated herein by this reference. The Side Letter of Agreement pertains to the participation in a qualified medical retirement trust fund program.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach as follows:

Section 1. The Side Letter of Agreement attached hereto as Exhibit A is approved and adopted.

Section 2. The Side Letter of Agreement amends the MOU between the City of Huntington Beach and the POA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7th day of July, 2008.



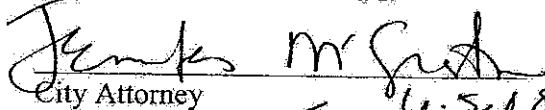
Mayor

REVIEWED AND APPROVED:



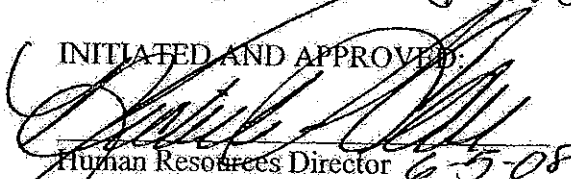
City Administrator

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:



Human Resources Director

EXHIBIT A

SIDE LETTER AGREEMENT

March 31, 2008

Representatives of the Huntington Beach Police Officers Association ("HBPOA") and the City of Huntington Beach ("City") hereby agree to the following terms related to the implementation of a Post-Retirement Medical Reimbursement Program pursuant to Article X(A)8 of the MOU between the HBPOA and City effective April 11, 2006.

EMPLOYEE WELFARE BENEFIT TRUST FUND:

The City authorizes the HBPOA to participate in an employee welfare medical benefit trust fund program, called that PORAC Retiree Medical Trust, providing the following conditions are adhered to:

1. The City and HBPOA agree that the City shall not provide any contribution to the program.
2. Effective 5/31/08, City shall withhold \$100.00 monthly for each represented employee. Thereafter, said withholding shall be in an amount as designated in writing by the HBPOA. Deductions shall be taken on the first two checks of each month.
3. HBPOA shall pay all associated expenses incurred for participation in the program.
4. Upon request, the HBPOA shall provide documentation to the City as follows:
 - a. A copy of the in-force employee medical welfare benefit trust fund program;
 - b. A statement certifying that funds collected are for employee welfare medical benefits for HBPOA represented employees only;
 - c. A copy of the current program document as well as any changes of amendments, or written confirmation that there have been no changes as employee medical welfare benefit trust fund program provider;
 - d. Verification of the funds submitted to the PORAC Retiree Medical Trust, and
 - e. A statement certifying that the submitted funds are only being utilized to provide employee welfare medical benefit trust funds for participating members including members of the HBPOA.
5. City shall pay the withheld funds to the PORAC Retiree Medical Trust bi-weekly.

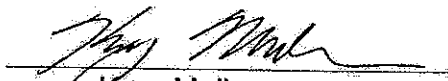
6. All Federal and State laws regarding employee medical welfare benefit trust funds coverage shall be followed.
7. HBPOA agrees that it will indemnify and hold harmless the City as well as all direct or indirect successors, officers, directors, heirs, predecessors, assigns, agents, insurers, employees, attorneys, representatives, and each of them, past and present, from and against any claims, lawsuits, penalties, interest, taxes, or liability of any kind whatsoever, which may result from the qualified employee welfare benefit trust fund program.

LEAVE BENEFITS UPON SEPARATION:

Article XII(I) of the MOU between the HBPOA and City effective April 11, 2006, is amended as follows:

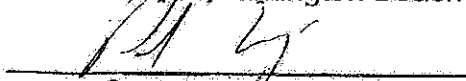
The value of any unused earned leave benefits (sick, vacation, general leave) shall be transferred to deferred compensation or a qualified medical retirement trust program in connection with separation from employment, but only during the time the employee is actively employed with the City. Any transfer to the qualified medical retirement trust program shall be on a pre-tax basis. The employee must request the transfer no later than the pay period prior to the employee's last day of employment. Any unused earned leave benefits remaining upon separation will be transferred to the qualified medical retirement trust program on a pre-tax basis.

For HBPOA


Kreg Muller
President

Dated: 6/19/08

For the City of Huntington Beach



Paul Emery
Interim City Administrator

Dated: 6-16-08


Kenneth W. Small
Chief of Police

Dated: 6-16-08

Approved as to form:


Jennifer McGrath
City Attorney

Dated: 6-9-08

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular** meeting thereof held on **July 7, 2008** by the following vote:

AYES: Hansen, Hardy, Bohr, Cook, Green, Carchio
NOES: None
ABSENT: Coerper
ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California